

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>In re:</b>	)	
	)	
<b>CIRCUIT CITY STORES, INC., et al., Debtors.</b>	)	<b>Case No.: 08-35653-KRH</b>
	)	<b>(Chapter 11)</b>
<b>REVEREND DWAYNE FUNCHES, Individually, and as Independent Executor of the Estates of Travis Funches, Dione Funches, and Dwayne Funches, Jr., Emily Funches, Lovera Funches, and Shatira Funches, Individually,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>CYNTHIA OLOWAY, Individually, and as Special Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor, Movants,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>CIRCUIT CITY STORES, INC., et al., Respondent.</b>	)	

**AGREED ORDER**

This day came the Movants, Reverend Dwayne Funches, Individually, and as Independent Executor of the Estates of Travis Funches, Dione Funches, and Dwayne Funches, Jr., Emily Funches, Lovera S. Funches, and Shatira Funches, Individually (the “Funches”); Cynthia Olloway, Individually and as Special Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor (“Olloway” and collectively with Funches, the “Movants”); Debtors, Circuit City Stores, Inc. (“Debtors”), and the Unsecured Creditors’ Committee, each by counsel, to be heard upon Movants’ *Amended Motion for Expedited Hearing* (the “*Expedited Motion*”) on the *Motion for Relief from Automatic Stay of 11 U.S.C. § 362(a) and Supporting*

*Memorandum of Law* (the “*Motion for Relief*”), and the *Motion for Relief* if the *Expedited Motion* were granted. The parties reached a resolution as to the *Expedited Motion* and obtained Court approval of same at hearing, and agreed to set the *Motion for Relief* for a preliminary hearing on December 22, 2008, at 10:00 A.M. and final hearing on January 29, 2009, at 10:00 A.M., which scheduling the Court approved. The Court agreed at hearing to enter an order, as requested by the Movants and agreed to by all parties, granting (i) the Olloway *Motion for Joinder* filed in the Bankruptcy Court; (ii) advising the Cook County, Illinois Circuit Court that the automatic stay does not pertain to the state court litigation pending in that jurisdiction as brought by Funches and Olloway against non-debtor defendants, Thomson, RCA, and City of Chicago by operation of law, and as such, the litigation may continue without interruption as against those non-debtor defendants; (iii) the status hearing on the Substitution of Judge (“SOJ”) Motion may go forward tomorrow in Cook County Circuit Court, as well as the hearing(s) scheduled in that Court as to other non-debtor defendants and Movants on discovery, sanctions, and other matters, the parties may schedule the SOJ Motion to be heard on December 23, 2008, or later in that Court, and are to utilize Debtors’ state court counsel’s dates for scheduling same, if timely provided.

Based upon the pleadings, arguments made at hearing, and for good cause shown, the Court finding it reasonable and necessary to do so hereby **ORDERS, ADJUDGES, and DECREES** that:

1. The unopposed *Motion for Joinder* of Olloway is **GRANTED**;
2. The automatic stay does not apply by operation of law to the state court litigation pending in Cook County, Illinois Circuit Court against **non-debtor** defendants, Thompson,

RCA, and the City of Chicago, and as such, proceedings may continue without interruption as against those **non-debtor** parties;

3. To the extent the automatic stay does apply to the hearing(s) scheduled for December 4, 2008, in Cook County Circuit Court on the SOJ Motion status hearing, the automatic stay shall be **MODIFIED** to provide for the limited, specific relief of allowing the SOJ status hearing to continue and go forward as to all parties, including Debtors, so long as the SOJ Motion hearing that is subsequently scheduled is set for December 23, 2008, or later and if provided, Debtors' counsel's available dates are utilized for same;

4. A preliminary hearing on the *Motion for Relief* is scheduled by the agreement of the parties and set by order of the Court for **December 22, 2008, at 10:00 A.M.**;

5. A final hearing on the *Motion for Relief* is scheduled by the agreement of the parties and set by order of the Court for **January 29, 2009, at 10:00 A.M.**;

6. This order shall immediately take effect without any delay and/or the requirement of any finality period is **WAIVED** to facilitate same; and

7. The Clerk shall issue copies of this Order, upon entry, to all parties and/or counsel and those listed on the Attached Service List below.

**ENTERED ON THE DOCKET:**     /     /

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The Honorable Kevin R. Huennekens  
United States Bankruptcy Judge  
Eastern District of Virginia  
Richmond, Virginia

I ASK FOR THIS:

/s/ Lisa Taylor Hudson  
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SEEN AND AGREED:

/s/ Daniel F. Blanks  
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SEEN AND AGREED:

/s/ Lynn L. Tavenner  
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*Counsel for Unsecured Creditors' Committee*

**PROOF OF SERVICE PURSUANT TO LOCAL RULE 9022-1(C)(2)**

I hereby certify that the foregoing proposed Order has been served upon all necessary parties electronically by email as to Debtors and the Unsecured Creditors' Committee, and as to all others by United States Mail, postage prepaid on this 3rd day of December, 2008.

/s/ Lisa Taylor Hudson

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